

ENTERED

May 22, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

JONATHAN TRIPLETT,

Plaintiff,

VS.

KELSEY B., *et al*,

Defendants.

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CIVIL NO. 2:18-CV-296

ORDER

The Court is in receipt of the Magistrate Judge's Memorandum and Recommendation ("M&R") to dismiss case, Dkt. No. 7. No party has filed objections to the M&R, and the time to file objections has passed. *See* 28 U.S.C. § 636(b)(1) (setting a 14-day deadline to file objections).

After independently reviewing the record and applicable law, the Court **ADOPTS** the M&R, Dkt. No. 7. Plaintiff's claims are **DISMISSED WITH PREJUDICE** to their being asserted again until the *Heck v. Humphrey*, 512 U.S. 477 (1994) conditions are met. Plaintiff's civil rights action is frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1). This dismissal counts as a "strike" for purposes of 28 U.S.C. § 1915(g). The Court therefore **DIRECTS** the Clerk of the Court to forward a copy of this Order to the Manager of the Three Strikes List for the Southern District of Texas at Three_Strikes@txs.uscourts.gov. Further, to the extent that Plaintiff complains about the legality of his probation revocation, the Court **DISMISSES** Plaintiff's claim **WITHOUT PREJUDICE** to it being reasserted in a federal habeas corpus petition after exhausting available state remedies.

The Court **DIRECTS** the Clerk of the Court to close this case.

SIGNED this 22nd day of May 2019.

A handwritten signature in black ink, appearing to read 'Hilda Tagle', written over a horizontal line.

Hilda Tagle
Senior United States District Judge